

Appln No. 10/815,623
Amtd. Dated November 09, 2004
Response to Office action of September 08, 2004

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REMARKS/ARGUMENTS

The Office Action has been carefully considered. The issues raised are traversed and addressed below with reference to the relevant headings and paragraph numbers appearing under the Detailed Action of the Office Action.

Claim Rejections – 35 USC § 102

In view of the Examiner's objections raised in paragraph 4 of the Office Action, the claim has now been revised to clarify that the interface surface includes visible information relating to the product item and that at least some of the coded data is coincident with the visible information.

A basis for this amended can be found for example in claim 21 which refers to information and coded data being printed substantially simultaneously. In addition to this, page 19, line 16 onwards, which describes a netpage, also highlights that the printed netpage may be the product item 201. In the description of the netpage it is clear that the page includes graphics, such as the submit button 8, which is coincident with coded data 3.

Thus, as will be appreciated by the Examiner, the current system utilises an arrangement in which coded data tags may be provided coincident with visible information provided on the product item. This cannot be achieved in the cited prior art. In particular, in Wilz, Sr. et al and Kawaguchi, both systems utilise printed visible barcodes. If such printed visible barcodes are provided coincident with the visible information this would render the visible information illegible.

We further respectfully submit that the use of coded data which may be provided coincident with the visible information is not a trivial distinction over the cited prior art. In particular, in both Wilz, Sr. et al and Kawaguchi, it is necessary for the barcode to be formed from visible radiation to allow the barcode to be successfully scanned. In particular, in the arrangement of Wilz, Sr. et al, a user aims the scanning device at the barcode to ensure successful scanning. Similarly, in Kawaguchi, the barcodes are placed at a set location to allow these to be located and scanned by the apparatus.

This reflects a major difference in the intended implementation of the claimed device, as this allows tags to be disposed over substantially with the entirety of the product label or packaging so that the product may be scanned by scanning any part of the product item. It will be appreciated that in the arrangements of Wilz, Sr. et al and Kawaguchi, as the barcodes are visible, and cannot be provided coincident with visible information it is only possible to dispose the bar codes at specific locations, which are separate to other visible information, thereby making the product item harder to scan.

In paragraph 4 of the Office Action the Examiner has also continued to object to dependent claims which contain clearly novel and inventive subject matter. In particular, the Examiner has indicated that claims 15 and 16 which relate to the plurality of reference points and corresponding position is disposed in Wilz, Sr.

In this regard, the Examiner has explicitly referred to column 20, line 45 to column 21, line 32 and column 62, line 66 to column 64, line 42. We have carefully reviewed these portions of the specification and cannot find any reference to a processor generating position data as

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asserted by the Examiner. We would therefore appreciate clarification of this objection. In particular, we would appreciate it if the Examiner could use the language of Wilz, Sr. et al which refers explicitly to the generation of position data based on sensed coded data.

Similarly, the Examiner has objected to claims 17 and 18 on the basis of similar portions of the specification even though no reference to a region is described.

We would also highlight that claim 19 relates to a very specific mechanism by which a region is identified based on a description of the interface surface and position data. The Examiner again has referred to the previously mentioned portion of the specification, which clearly does not describe any form of description of the interface surface.

Similarly, with respect to claim 20 there is nothing in Wilz, Sr. et al, and at least in the passages referred to by the Examiner which refers to user interactive elements.

Turning now to claims 28 and 29, the Examiner has again asserted that sensing of a plurality of items and, in particular, determining the presence of two or more coded data portions during a scanning event, is disclosed by Wilz, Sr. et al and Kawaguchi. Again this is clearly not the case the portions of the specification referred to by the Examiner do not refer to activating an alarm if the product identity data is indicative of two product items.

Turning now to claim 43, we note that the Examiner has rejected to claim 43 indicating that the scanning beam of Wilz, Sr. et al is an infrared scanning beam. This is incorrect. The portion of the specification referred to by the Examiner is explicitly describing as an object detection field. This does not operate to detect coded data as required by the current pending claims. Instead, as clearly described in Wilz, Sr. et al, the system utilises an object detection field 9 to locate an object. Once the object has been located, a laser based barcode detection field and a laser based barcode reading field 10, 11 are utilised to detect and interpret the barcode. This is clearly described for example in column 21, line 19 onwards which states that the IR based object detection sub-system is used for detecting the object and in response to a detected object generating a control activation signal. Column 21, line 41 onwards then goes on to state that the laser based barcode symbol detection sub-system generates a visible laser scanning pattern and utilises this to detect the barcode.

Thus, there is absolutely no disclosure of utilising a IR based field in order to detect coded data and instead the specification repeatedly refers to utilising the IR based beam merely to detect the object and then using a separate laser beam to scan the barcode.

Thus, Wilz, Sr. et al is explicit in the fact that infrared is not used as the scanning beam. In any event, even if this were the case, there is no disclosure in Wilz, Sr. et al that the coded data is printed using infrared ink and indeed, in order to allow the user to direct the scanning beam towards the correct portion of the product item, it is essential that the barcode is visible.

As far as claim 47 is concerned, the Examiner has objected to this indicating that Wilz, Sr. et al describes providing coded data on product packaging. However, we respectfully submit that there is no disclosure in Wilz, Sr. et al that the coded data is disposed over at least 25% of the product packaging as is the minimum disposal requirement in claim 47 clause (b). It will be appreciated that this is not a trivial issue, particularly as the claimed system uses coincident information and coded data. If the arrangement of Wilz, Sr. et al were used, this would obscure most of the label, as previously discussed.

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In view of the changes made to claim 1 we believe that claim 1 is novel and inventive and that in the event that the Examiner is minded to reject claim 1, a number of novel and inventive features are clearly set out in the dependent claims despite the Examiner's assertion that these are shown in Wilz, Sr. et al.

Similar comments also apply to the remaining claims, and we reserve our right to comment on further dependent claims in due course.

In light of the above, it is respectfully submitted that the objections and claim rejections have been successfully traversed and addressed. The amendments do not involve adding any information that was not already disclosed in the specification, and therefore no new matter is added. Accordingly, it is respectfully submitted that the claims 1 to 60, and the application as a whole with these claims, are allowable, and a favourable reconsideration is therefore earnestly solicited.

Very respectfully,

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